

**RECEIVED****AUG 30 2019****CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA****UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Dana Jackson  
100 1st Street South General Delivery  
Minneapolis, MN 55440 Plaintiff(s),

vs.

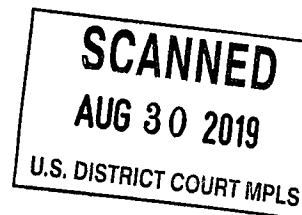
Hennepin Hospital  
Kelley Marks N, LICSW  
701 Park Ave, Minneapolis  
MN 55415 Defendant(s).

Case No. 19cv 2392 JPT/ECW  
(To be assigned by Clerk of District Court)

DEMAND FOR JURY  
TRIAL

YES ☐ NO ☒

(Enter the full name(s) of ALL plaintiffs  
and defendants in this lawsuit. Please  
attach additional sheets if necessary.)

**COMPLAINT****PARTIES**

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name

Dana Jackson

Street Address

100 1st South General Delivery

County, City

Hennepin, Minneapolis

State & Zip Code

Minnesota 55440

Telephone Number

651 341 6025

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

Kelley Marks, N, LICSW  
701 Park Ave, Minneapolis  
Mn, 55415

Hennepin Hospital  
701 Park Ave  
Minneapolis, MN 55415

Kelley Marks N. LICSW  
701 Park Ave  
Minneapolis, MN 55415

Hennepin Hospital  
701 Park Ave  
Minneapolis, MN 55415

a. Defendant No. 1

Name

Hennepin County Medical Center

Street Address

701 Park Ave

County, City

Minneapolis, Hennepin Co.

State & Zip Code

Minnesota, 55415

b. Defendant No. 2

Name

Kelley Marks N, LICSW

Street Address

701 Park Ave

County, City

Minneapolis, Minnesota

State & Zip Code

Hennepin County 55415

c. Defendant No. 3

Name

Street Address

County, City

State & Zip Code

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.d., 2.e., etc.)

## JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of

the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal Question

☐ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

Americans with disabilities Act of 1990 violation  
Administrative violations in HIPAA Laws

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name: Dana Jackson State of Citizenship: Minnesota

Defendant No. 1: Hennepin Hospital State of Citizenship: Minnesota

Defendant No. 2: Kellay Marks.N State of Citizenship: Minnesota

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached.

6. What is the basis for venue in the District of Minnesota? (*check all that apply*)

☒ Defendant(s) reside in Minnesota ☐ Facts alleged below primarily occurred in Minnesota

☐ Other: explain

#### STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7. See other pages

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

#### REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

Pay me to provide my self good care  
for the rest of my life and not have  
to continue living my life in this abuse  
please grant me \$22million dollars

Date:

Signature of Plaintiff

Sana Jackson

Mailing Address

100 1st Street South  
General Delivery  
Minneapolis, MN 55440

Telephone Number

651 341 6025

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.

<https://alliedhealth.insureon.com/resources/hipaa/three-components>

The violation:

#### Administrative Requirements in HIPAA Laws

In order for your healthcare business's administrative procedures to be HIPAA compliant, you'll have to...

Formalize your privacy procedures in a written document.

Administratively, Kelley Marks N, LICSW did not give legal or formal status when discharging me. I am mentally ill, and I will quote that my medical records have for me a bad rapport snidely passive with great authority to purporting to act on the confounds of her position. She exclaimed to be a therapist that could only conclude to discharge me and slander my character. A client patient volunteered to do a chore of cleaning a refrigerator and exacerbated upon her chore with passive-aggression then escalated to a rowdy offense against me about my named and dated food inside the refrigerator. I stood my ground with her verbally and I asked her what is her problem? I told her I am here for mental illness and the client was in here for drug addiction. The client scolded me about my valid foods left in the refrigerator. She asked me when I was going to eat my food, I told her in time and she commented that, as me being in a crisis resident I would have to let her, the resident, know when I will dispose of the food. Kelley intervened in front of all the residents blaming me for every part and suggesting I need to leave. I mentioned that this all occurred be cause and effect and she, in turn, undermined all of the facts. I told Kelley I am here without family or friends to help me and that she lacks compassion that I would be confronted with her suggestion while everybody gang up on me by three other residences present and Kelley herself. I made mention that I have a meeting at that place we were at the Crisis Residence and she, herself affirmed that I have to be out on the streets with my mental in-compacities and be responsible for my med schedule and she would not help me any further than to have someone provide me a grievance that I was not competent to fill out at that time provided my steepened grief. See Other pages.

Designate a privacy officer to oversee data security and HIPAA compliance. Kelly had not sought approval on the brief of the HIPAA rules. She took sole responsibility to write into my medical records and discharge all herself. I reminded her and she confirm she is aware of HIPAA laws and is in compliance, yet she was not.

One of your HIPAA security requirements is to make sure all your contractors (sometimes called business associates or BAs) are following HIPAA and HITECH requirements.

HITECH actually holds BAs accountable for data breaches, meaning they can fine them millions of dollars for a breach caused by their negligence. Kelly has been very negligent to HIPAA and caused me cognitive dissonance. That shouldn't let Hennepin Hospital off the hook. This compliant is about an entrapment that caused me hardship mentally physically and in technicality. My distress from the mistreatment I had by the hospital is quite disturbing. When I first entered into the hospital they force medication by injections and not in the time span prescribed, yet all together. One day I was poked with needles repeatedly over ten times as the tried to sedate me and control my mental illness aggressively and I was restrained by force of armed guards and these are in the medical records and are direct violations to my patient rights. I have a right not to be restrained and else mentioned rights that was violated. If you don't take adequate steps to be sure BAs are HIPAA compliant, the Department of Health and Human Services can also fine you. I have been greatly abused. I am claiming that Hennepin hospital put notes in the medical records that will cause anyone who asks for a release of information by Authorization form will cause bad effects to occur and a view of what kind of person I am will be taken falsely and cause me to seem as a menace or a troublesome person therefore deterring me by initiation to ever enjoy my life. This oppression is tremendously horrible to me. I have to carry all of my living items with me without any money and the terrible experience of walking and walking and walking lost in a city not my own. I am thirsty hunger and not able to help myself and Kelley Marks mercilessly had not considered my conclusion as a said therapist and social worker. I am asking for 22,000,000 of money for relief and my life. I can barely function enough to manage my medicine and the sun outside disorients me and against medicine instructions I have to avoid. There is no place to go homeless, and on the streets alone except to go crazy. I am in a state of shock. The Hennepin Hospital is malpractice and breaching HIPAA. They are doing more harm than good. It is humiliating to be typing this here claim in the library with all of my possessions and exhausting not to have a place to lay my head. And have to overcome the besmirches of my medical transcripts on the record.

To help you avoid miscommunications with contractors and potential HIPAA fines, let's go over...

- Which business associates / contractors fall under HIPAA privacy rules.
- How to make sure BAs follow HITECH and HIPAA regulations.



- What to do if there's a breach involving data that was transferred to a BA.

Who Falls Under HIPAA & HITECH's Business Associate Rules?

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HIPAA and HITECH require your business associates to follow the same rules that you do (see our list of HIPAA privacy requirements). But which businesses qualify as a "business associate"? Anyone that has access to protected health information (PHI) will have to be HIPAA compliant. This includes...

- Part-time contractors who work at your office.
- CPA firms / accountants.
- Attorneys with access to PHI.
- Medical billing firms.
- Medical transcriptionists.
- IT consultants.

If you hire any of the contractors listed above, you'll have to make sufficient efforts to ensure that they follow HIPAA and HITECH privacy rules. Here's what you'll need to do.

How to Make Sure Business Associates Are HIPAA Compliant

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The Department of Health and Human Services offers these HIPAA guidelines for business associates. When you hire a BA, you're allowed to share your patients' PHI as long as the business associate needs these records to do his job. For instance, if you're sending data to your accountant, you can only send billing-related information. If the transmitted data included medical records, this would be a violation of HIPAA privacy rules.

Before you can share data, you'll need to make sure the BA has taken adequate steps to protect that data and prevent breaches. To do so, use a **business associates contract** and get these assurances in writing.

What's in a business associates contract? Read over this sample business associate contract provisions from HHS. The contract specifically defines how the BA can use the data you share and the safeguards they need to have in place.

What Happens If There's a Data Breach When You Share Data with a Business Associate?

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Even after taking all the correct precautions, data breaches can still happen. In fact, third-party data breaches — ones that occur because of a contractor who has access to your data — are one of the most common types of data breach.

Because breaches are always a risk, it's smart to invest in Data Breach Insurance (also known as Cyber Liability Insurance). These policies cover the cost to...

- Inform patients about a data breach (HIPAA also requires that you inform HHS and the media for breaches of more than 500 records).
- Offer credit monitoring for patients affected.
- Hire PR / crisis management professionals to help in your response (this is important because HIPAA also requires you to inform the media of breaches).

In addition, some Cyber Liability Insurance policies also cover HIPAA fines. While not all policies offer this coverage, small healthcare businesses are most likely to get this coverage.

Signed,

Dana D Jackson